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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,840	02/27/2004	John M. Kokosa	KJD-100-A	6903
22825	7590	03/03/2006	EXAMINER BELLAMY, TAMIKO D	
WILLIAM M HANLON, JR YOUNG & BASILE, PC 3001 WEST BIG BEAVER ROAD SUITE 624 TROY, MI 48084-3107			ART UNIT 2856	PAPER NUMBER

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/788,840

Applicant(s)

KOKOSA, JOHN M.

Examiner

Tamiko D. Bellamy

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 2/6/06 is/are: a) ☒ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/31/04</u></p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____</p> |
|---|--|

DETAILED ACTION

Drawings

DETAILED ACTION

Drawings

1. The drawings were received on 2/6/06. These drawings are accepted.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lightner et al. (3,508,442) in view of Rasmussen et al. (WO9725606A1).

Re claims 1 and 8, Lightner et al. discloses controlling movement (e.g., combination of prime movers A, B, C) of a syringe (18) in multiple axes (Col. 7, lines 16, 17; Col. 8, lines 9-15, 51-58). Lightner et al. discloses cleaning the syringe (Col. 8, lines 40-45). Lightner et al discloses moving the syringe (18) to a sample vial (142), inserting a tip of the syringe (18) to into the sample vial (142), collecting a portion of the sample in the syringe (18), withdrawing the syringe from the sample vial, and moving the syringe to an instrument injector (10) (Col. 7, lines 15-20). Lightner et al. discloses injecting the sample into the instrument injector for analysis of the sample, and repeating the prior steps on each of the plurality of samples (Col. 7, lines 15-27). Lightner et al. **do not specifically disclose drawing a carrier solvent into the syringe.** Rasmussen et al.

discloses drawing a carrier solvent into the syringe (Pg. 4, lines 14-37; Pg. 5, lines 1-9).

Therefore, to modify Lightner et al by employing drawing a carrier solvent into the syringe would have been obvious to one of ordinary skill in the art at the time of the invention since Rasmussen et al. teaches a sampling device having theses design characteristics. The skilled artisan would be motivated to combine the teachings of Lightner et al. and Rasmussen et al. since Lightner et al. states that his invention is applicable to automated liquid sampler for gas chromatograph and Rasmussen et al. is directed to liquid microextraction of an sample and transferring the sample to a injection port of an analytical instrument/GC.

Re claim 2, Lightner et al. discloses withdrawing a portion of a sample and injecting the sample into an injection port. Lightner et al. **lacks the detail of expelling and holding a microdrop of solvent on the tip of the syringe for a period of time to collect the sample, and drawing the microdrop and the colleted portion of the sample into the syringe.** Rasmussen et al. discloses expelling and holding a microdrop of solvent on the tip of the syringe for a period of time to collect the sample, and drawing the microdrop and the colleted portion of the sample into the syringe (Pg. 4, lines 14-37; Pg. 5, lines 1-9; Pg. 7, lines 24-37). Therefore, to modify Lightner et al by employing expelling and holding a microdrop of solvent on the tip of the syringe for a period of time to collect the sample would have been obvious to one of ordinary skill in the art at the time of the invention since Rasmussen et al. teaches a sampling device having theses design characteristics. The skilled artisan would be motivated to combine the teachings of Lightner et al. and Rasmussen et al. since Lightner et al. states that his invention is

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applicable to automated liquid sampler for gas chromatography and Rasmussen et al. is directed to liquid microextraction of an sample and transferring the sample to a injection port of an analytical instrument/GC.

Re claim 3, as depicted in fig. 6, Lightner et al. discloses a placing a plurality of sample vials (142) in a holder in established coordinate positions

Re claim 4, Lightner et al. discloses providing a cleaning solution in a known coordinate position (Col. 8, lines 40-45).

Re claim 5, Lightner et al. discloses moving the syringe to the cleaning vial, and withdrawing contents of the cleaning solution into the syringe (Col. 7, lines 60-64, Col. 8, lines 40-45).

Re claim 6, as depicted in fig. 6, Lightner et al. discloses inserting the syringe (18) into the sample vial (142) to position the tip of the syringe (18) in a head space above a liquid sample in the vial (142).

Re claim 7, as depicted in fig. 6, Lightner et al. discloses inserting the syringe tip of the syringe (18) into the sample vial (142).

Response to Remarks

4. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection. It is the examiners position that claims 1-8 are not patentable in view of the newly applied art of Lightner et al. (3,508,442) in view of Rasmussen et al. (WO9725606A1).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamiko D. Bellamy whose telephone number is (571) 272-2190. The examiner can normally be reached on Monday - Friday 7:30 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tamiko Bellamy
T.B.
February 23, 2006

Hezron E. Williams
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